Serial No.: 10/701,089
Group Art Unit: 2616
Examiner: Dady Chery

REMARKS

Claim 1 remain in this application.

Double Patenting

The Examiner rejected claim 1 based on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of US Patent No. 6,687,231 in view of Wiher (6,081,530).

Applicant does not believe that Wiher teaches or discloses generating, from each encoder, a fourth signal based on the third signal, receiving and examining the fourth signal at the second source, and subsequently receiving the first signal from the second source. From Fig. 4 and Cols. 3, 8 and 9, interfaces and signal lines are generally disclosed but generating a fourth signal based on the third signal, receiving and examining the fourth signal at the second source, and subsequently receiving the first signal from the second source, are not taught or suggested. There is no portion of Wiher that specifically discloses these limitations. As such, Applicant does not believe that Wiher is a valid reference with respect to the double patenting rejection.

However, purely in the interest of expediting the prosecution of the instant invention, Applicant has filed a Terminal Disclaimer.

Claim Rejections – 35 USC 102

The Examiner rejected claim 1 under 35 U.S.C. 102(e) as being anticipated by Wiher (6,081,530). Applicants respectfully traverse this rejection for at least the reasons stated below.

As stated in MPEP § 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully submit, as will be detailed below, that Wiher does not, either expressly or inherently, teach or suggest many limitations recited in the pending claims.

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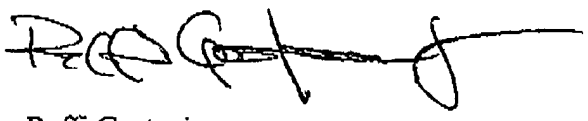
Applicant does not believe that Wiher teaches or discloses generating, from each encoder, a fourth signal based on the third signal, receiving and examining the fourth signal at the second source, and subsequently receiving the first signal from the second source. From Fig. 4 and Cols. 3, 8 and 9, interfaces and signal lines are generally disclosed but generating a fourth signal based on the third signal, receiving and examining the fourth signal at the second source, and subsequently receiving the first signal from the second source, are not taught or suggested. There is no portion of Wiher that specifically discloses these limitations. As such, Applicant does not believe that Wiher is a valid reference with respect to the 35 U.S.C. 102(e) rejection.

However, purely in the interest of expediting the prosecution of the instant invention, Applicant has amended claim 1 to include the following limitations: receiving, in each encoder, the first signal from a first source, while testing a signal path between a second source and the encoders, the first source on a first assembly, the second source on a second assembly, and each encoder on a respective third assembly; while each encoder is receiving the first signal from the first source: receiving, in each encoder, a third signal from the second source; generating, from each encoder, a fourth signal based on the third signal, the fourth signal being a redundancy signal; and receiving and examining the fourth signal at the second source.

Support for such limitations, which are not taught or suggested by the cited art, can be found at least in paragraphs [0007]-[0014] of the instant application.

As such, Applicant believes claim 1 is in condition for allowance and respectfully requests withdrawal of the Examiner's rejection of claim 1, and full allowance of same. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned to expeditiously resolve any outstanding issues.

Respectfully submitted,



Dated: 8/18/2008

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